

Message Text

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PAGE 01 STATE 245654

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ORIGIN EB-06

INFO OCT-01 IO-10 ISO-00 L-02 FRB-01 OMB-01 TAR-01 SP-02

SWF-01 AGR-05 AID-05 CIAE-00 COME-00 INR-05 LAB-01

NSAE-00 OIC-02 RSC-01 SIL-01 STR-01 TRSE-00 CIEP-01

CEA-01 SSO-00 NSCE-00 INRE-00 USIE-00 AF-04 ARA-06

EA-06 EUR-12 NEA-06 SS-15 NSC-05 /102 R

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TO USMISSION USUN NEW YORK IMMEDIATE

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E.O. 11652: N/A

TAGS: EGEN, UNGA, UNCTAD, GATT

SUBJECT: 29TH UNGA - SECOND COMITE - ITEM 42 UNCTAD;
MTN RESOLUTION

REF: (A) USUN 4740, (B) STATE 238838, (C) BLACK-HUME

TELECON (D) USUN 4792, (E) STATE 243666

1. REFTEL A REQUESTED INSTRUCTIONS ON THREE PROPOSED
ADDITIONAL PARAS AND REVISIONS TO FORMER OPERATIVE PARA
2 OF SUBJECT RESOLUTION. REFTEL D REPORTED PROPOSED
CHANGES IN OPERATIVE PARAS 4 AND 5 OF SUBJECT RESOLUTION.

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PAGE 02 STATE 245654

US DEL AS APPROPRIATE SHOULD USE THE GUIDANCE BELOW TO

SUPPLEMENT GUIDANCE PROVIDED IN REFTTEL B.

2. RE OPERATIVE PARA 2, IN LIGHT OF THE OBJECTIONS AND CHANGES SUGGESTED BY FRANCE SPEAKING FOR THE EC-9, US DEL MAY SUPPORT CHANGES PROPOSED BY THE FRENCH. US DEL, HOWEVER, MAY ACCEPT USE OF THE WORD "ESCALATION" IN THE FIRST CLAUSE OF THE PARA. US DEL-SHOULD PROPOSE THAT THE SECOND CLAUSE BE AMENDED TO READ "AND TO THIS END URGES DEVELOPED COUNTRIES IN ACCORDANCE WITH ARTICLE XXXVII OF THE GATT TO REFRAIN TO THE FULLEST EXTENT POSSIBLE FROM INTRODUCING" ETC. US DEL SHOULD REQUEST DELETION OF THIRD CLAUSE BEGINNING "OR FROM HAVING RECOURSE" AND IF AGREEMENT CANNOT BE REACHED FOR ITS DELETION, MAY SUPPORT ITS INCLUSION IF IT IS

AMENDED ALONG THE LINES SUGGESTED BY THE FRENCH. DELETION REPORTED IN REFTTEL D IS MOVEMENT IN RIGHT DIRECTION, BUT IS NOT SUFFICIENT FOR US ACCEPTANCE OF THE PARA.

3. RE THE BRAZILIAN PROPOSAL FOR A NEW OPERATIVE PARA 3, THE US CAN ACCEPT LANGUAGE ON DIFFERENTIAL MEASURES FOR LDCS ALONG THE LINES OF THE LAST SENTENCE OF PARA 5 OF THE TOKYO DECLARATION, BUT THE US DOES NOT ACCEPT THAT DIFFERENTIAL TREATMENT IN FAVOR OF LDCS IS A PRINCIPLE APPLICABLE TO ALL AREAS OF THE MTN NEGOTIATIONS AND COULD NOT ACCEPT THE BRAZILIAN PROPOSAL. THE US COULD ALSO ACCEPT LANGUAGE WITH RESPECT TO DIFFERENTIAL MEASURES AS INCLUDED IN PARA 4 OF UNGA RES. 3085 (XXVIII) WHICH TIED THE CONCEPT TO THE TOKYO DECLARATION. WE ARE ALSO UNCLEAR ABOUT THE MEANING OR REFERENCE OF THE PHRASE "NORMATIVE ASPECTS OF THE INSTRUMENTS FOR WORLD TRADE" AND WOULD REQUIRE AN EXPLANATION OF ITS INTENDED MEANING BEFORE BEING ABLE TO CONSIDER IT FOR INCLUSION IN THIS RESOLUTION.

4. RE THE POLISH PROPOSAL FOR A NEW OPERATIVE PARA 4, THE US CANNOT ACCEPT IT IN ITS PRESENT FORM. THE MTN IS A NEGOTIATION OF SOVEREIGN COUNTRIES AND HAS NO MECHANISM FOR TAKING INTO ACCOUNT THE TRADE INTERESTS LIMITED OFFICIAL USE

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PAGE 03 STATE 245654

OF NON-PARTICIPATING COUNTRIES EXCEPT INSOFAR AS EACH SOVEREIGN COUNTRY MAY CHOOSE TO DO SO. AT ITS DISCRETION US DEL MAY INDICATE THAT THE US COULD ACCEPT INCLUSION OF THE PARA IF IT WERE AMENDED ALONG THE FOLLOWING LINES, "CONSIDERS THAT THE MTN, WHICH IS OPEN TO PARTICIPATION BY ALL COUNTRIES, SHOULD TAKE INTO ACCOUNT THE TRADE INTERESTS OF ALL COUNTRIES CHOOSING TO PARTICIPATE."

5. RE BRAZILIAN NEW DRAFT FOR PRESENT OPERATIVE PARA 3, US DEL MAY CONTINUE TO ATTEMPT TO OBTAIN REVISION OF OPERATIVE PARA 3 AS PROPOSED IN REFTTEL B, BUT MAY AS PART OF AN OTHERWISE SATISFACTORY COMPROMISE ON THE RESOLUTION ACCEPT THAT THE PARA BE DIRECTED TO THE DEVELOPED COUNTRIES ALONE- US DEL, HOWEVER, SHOULD SEEK THE DELETION OF THE PHRASE "AND IN PARTICULAR RESTRICTIONS SPECIFICALLY DIRECTED AGAINST SUCH COUNTRIES," OR MAY ACCEPT IT WITH THE UNDERSTANDING THAT A US STATEMENT WILL BE INCLUDED IN THE RECORD ALONG THE FOLLOWING LINES: THE US CONSIDERS THE PHRASE "AS SOON AS POSSIBLE" TO MEAN TO THE EXTENT THAT CHANGES IN THE CONDITIONS WHICH CAUSED THE APPLICATION OF THE MEASURES MAKE IT POSSIBLE; THE US

COUNTERVAILING DUTY LAW IS NOT A RECENTLY INTRODUCED MEASURE AND ITS APPLICATION IS NOT RELATED TO WORLD ECONOMIC CONDITIONS OR TO THE STATE OF THE US BALANCE OF TRADE OR OF PAYMENTS. ITS APPLICATION IS TRIGGERED BY THE EXISTENCE OF PARTICULAR CIRCUMSTANCES IN THE EXPORTING COUNTRY. THE US HAS IN VARIOUS INTERNATIONAL FORA STATED THAT IT IS WILLING TO EXPLORE DIFFERENTIAL MEASURES FOR LDCS ON THE ISSUE OF EXPORT SUBSIDIES IN THE CONTEXT OF NEW AND COMPREHENSIVE RULES ON SUBSIDIES AND COUNTERVAILING DUTIES (SEE PARAS 3, 4 AND 6 OF REFTTEL E BEING PASSED USUN).

6. RE CHANGES PROPOSED IN REFTTEL D IN OPERATIVE PARAS 4 AND 5, US DEL SHOULD CONTINUE TO NEGOTIATE ON THESE JOINTLY WITH THE EC COUNTRIES AND JAPAN IN ACCORDANCE WITH THE AGREEMENT AT TOKYO NOT TO AGREE EXCEPT JOINTLY ON LANGUAGE WITH RESPECT TO THE MTN GOING LIMITED OFFICIAL USE

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PAGE 04 STATE 245654

BEYOND THE TOKYO DECLARATION. THE REVISION PROPOSED BY THE CO-SPONSORS IN OPERATIVE PARA 4 TO REPLACE "ALL DOCUMENTATION" BY "CORRESPONDING DOCUMENTATION" WOULD ONLY MEET US OBJECTIONS IF THE WORD "REGULARLY" IN THE PRECEDING PHRASE WERE REPLACED BY "AS APPROPRIATE."

7. RE THE PROPOSED CHANGE TO PARA 5, THE US COULD ACCEPT THE PARA WITH THE REVISED LANGUAGE IF THE EC COUNTRIES AND JAPAN AGREE, BUT ONLY IF THE FOLLOWING TWO PHRASES IN THE PARA WERE REMOVED: THE WORDS "IN HIS CAPACITY AS CHAIRMAN OF THE TRADE NEGOTIATIONS COMMITTEE" FOLLOWING THE REFERENCE TO THE DIRECTOR-GENERAL OF GATT, AND THE WORDS "WITH PARTICULAR REFERENCE TO THE RELEVANT PROVISIONS OF THE PROGRAMME

OF ACTION ON THE ESTABLISHMENT OF A NEW INTERNATIONAL
ECONOMIC ORDER" NOW ENDING THE PARA. THE GATT HAS A
STATUS AS A MEMBER OF THE UN FAMILY, BUT THE MTN AND ITS
TRADE NEGOTIATIONS COMMITTEE ARE CREATIONS OF THE
SOVEREIGN PARTICIPATING COUNTRIES AND ARE NOT PART
OF ANY ORGANIZATION WITHIN THE UN FAMILY. THE TYING
OF THE REPORTS TO BE PREPARED TO THE RELEVANT PROVISIONS
OF THE PROGRAM OF ACTION IS UNACCEPTABLE TO THE US
BOTH BECAUSE THE US DOES NOT ACCEPT THE PROGRAM OF
ACTION IN ITS TOTALITY AND BECAUSE THE PROGRAM OF
ACTION DOES NOT HAVE AUTHORITY IN THE GATT OR OVER
THE MTN. INGERSOLL

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